

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE



FISCAL MEMORANDUM

HB 4 – SB 221

March 15, 2017

SUMMARY OF ORIGINAL BILL: Requires the Board of Parole (BOP) to meet within 10 days of a parolee being reincarcerated because the parolee was charged with a new offense, if the parolee is awaiting a parole revocation preliminary hearing, a parole revocation hearing, or a parole rescission hearing, and the charges for the new offense are ultimately dismissed or the parolee is found not guilty. Requires the Board to release the parolee if the Board finds that the only reason the parolee was reincarcerated was the new offense and the new offense was dismissed.

FISCAL IMPACT OF ORIGINAL BILL:

Increase State Expenditures – \$4,000/One-Time
\$149,100/Recurring

Other Fiscal Impact – To the extent the proposed legislation results in some paroled prisoners being released and reinstated on parole sooner than under current law, the proposed legislation would result in decreased incarceration costs. However, insufficient information exists to reasonably determine the extent of any decreases that would be realized.

SUMMARY OF AMENDMENT (005122): Deletes all language after the enacting clause. Authorizes a district attorney general, a judge, a prisoner's attorney, the Department of Correction (DOC), or the prisoner to notify the BOP that a prisoner's revocation or rescission of parole merits further review because the revocation or rescission was based solely on the prisoner being rearrested and that such arrest resulted in no charges, dismissed charges, no true bill, or a verdict of not guilty.

Upon receiving notification, the BOP must waive all limitations periods for appeals and verify the authenticity of the notification within 10 days of receipt. If the BOP determines that the circumstances set forth in the notification occurred, then the BOP may order the release and reinstatement on parole of the prisoner. Requires the BOP to schedule the hearing on the matter no later than 35 days after verification of the notification.

FISCAL IMPACT OF BILL WITH PROPOSED AMENDMENT:

NOT SIGNIFICANT

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Assumptions for the bill as amended:

- Tennessee Code Annotated § 40-28-122 sets forth provisions for determining when and under what circumstances the BOP must conduct parole revocation hearings.
- The proposed legislation adds provisions to Tenn. Code Ann. § 40-28-122 requiring the BOP to meet under certain circumstances set forth in the proposed legislation. However, the BOP is only required to meet upon receiving notification that the circumstances under the proposed legislation have been met.
- It is assumed that the BOP can handle any impact to its operations within its existing resources without an additional appropriation or a reduced reversion.
- The BOP confirms that the proposed legislation will not significantly impact their operations.

CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.

A handwritten signature in dark ink that reads "Krista M. Lee". The signature is written in a cursive, flowing style.

Krista M. Lee, Executive Director

/trm